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MAILED

APR 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,600,292 : DECISION ON REQUEST FOR
Courtney : RECONSIDERATION OF
Issue Date: October 13, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/523,246 : NOTICE OF INTENT TO ISSUE
Filed: January 27, 2005 : CERTIFICATE OF CORRECTION
Atty Docket No. 424662010100 :

This is a decision on the petition filed on November 18, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand four (1004) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **nine hundred eighty-three (983) days**.

In the present petition, patentee is correct that there is overlap between the A delay and B delay. However, patentee calculated the B delay and the overlapping period incorrectly. The B delay period is 393 days, not 427 days. Patentee calculated this period based on the date this application fulfilled the requirements of 35 U.S.C. 371. However, in an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is August 9, 2002. As the requirements for early commencement were not met,

the national stage commenced in this application on February 9, 2005. Thus, B delay is 393 days, counting the number of days beginning on February 10, 2008 and ending on March 8, 2009, the day before the filing of the Request for Continued Examination. See 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.703(b). Furthermore, the A delay and B delay overlap by 132 days (not 145 days), counting the number of days beginning on February 10, 2008 and ending on June 20, 2008.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred eighty-three (983) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT: 7,600,292 B2

DATED: Oct. 13, 2009

DRAFT

INVENTOR(S): Courtney

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 722 days

Delete the phrase "by 722 days" and insert – by 983 days--

Day : Tuesday
Date: 4/20/2010

PALM INTRANET

Time: 08:40:45

PTA Calculations for Application: 10/523246

Application Filing Date:	01/27/2005	PTO Delay (PTO):	816
Issue Date of Patent:	10/13/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	94
Post-Issue Petitions:	0	Total PTA (days):	983
PTO Delay Adjustment:	261		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
92	04/20/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	261		
88.5	09/23/2009	PTA 36 MONTHS			
88	10/13/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
87	09/11/2009	EXPORT TO FINAL DATA CAPTURE			
86	09/10/2009	DISPATCH TO FDC			
85	09/09/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
84	09/02/2009	ISSUE FEE PAYMENT VERIFIED			
83	09/04/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
82	09/04/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
81	09/02/2009	ISSUE FEE PAYMENT RECEIVED			
80	06/18/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
79	07/29/2009	PUBS CASE REMAND TO TC			
78	07/27/2009	MAIL-PETITION DECISION - DISMISSED			
77	07/27/2009	PETITION DECISION - DISMISSED			
76	07/06/2009	FINISHED INITIAL DATA CAPTURE			
75	06/26/2009	PETITION ENTERED			
74	06/18/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		79	83
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72	06/12/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
71	06/11/2009	MISCELLANEOUS COMMUNICATION TO			

		APPLICANT - NO ACTION COUNT			
69	06/05/2009	EXPORT TO INITIAL DATA CAPTURE			
68	06/02/2009	MAIL NOTICE OF ALLOWANCE			
67	06/01/2009	ISSUE REVISION COMPLETED			
66	05/14/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
65	05/03/2009	DOCUMENT VERIFICATION			
64	05/03/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
63	05/03/2009	CASE DOCKETED TO EXAMINER IN GAU			
62	04/29/2009	NOTICE OF ALLOWABILITY			
61	03/23/2009	DATE FORWARDED TO EXAMINER			
60	03/09/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
59	03/23/2009	DATE FORWARDED TO EXAMINER			
58	03/09/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
57	03/23/2009	DISPOSAL FOR A RCE / CPA / R129			
56	03/10/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
55	02/10/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
54	02/04/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
53	12/24/2008	MAIL FINAL REJECTION (PTOL - 326)			
52	12/22/2008	FINAL REJECTION			
51	12/16/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
50	07/10/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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47	10/14/2008	PARALEGAL TD ACCEPTED			
46	09/17/2008	TERMINAL DISCLAIMER FILED			
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44	10/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		15	42
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40	10/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	07/10/2008	REFERENCE CAPTURE ON IDS			
38	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	07/10/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
36	06/20/2008	MAIL NON-FINAL REJECTION	816		4
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34	01/27/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	05/19/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	08/30/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	10/16/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
30	02/13/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	05/06/2008	CASE DOCKETED TO EXAMINER IN GAU			
26	04/17/2008	CASE DOCKETED TO EXAMINER IN GAU			
25	02/13/2008	REFERENCE CAPTURE ON IDS			
24	02/13/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
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22	10/16/2007	REFERENCE CAPTURE ON IDS			
21	10/16/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
19	10/16/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	10/15/2007	FLAGGED FOR 5/25			
17	10/04/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	08/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	08/30/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
14	05/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
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12.7	05/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	05/19/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	01/27/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
10	01/27/2005	REFERENCE CAPTURE ON IDS			
9.7	01/27/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	01/27/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	01/27/2005	PRELIMINARY AMENDMENT			
7	07/20/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
6	07/20/2005	CASE DOCKETED TO EXAMINER IN GAU			
5	06/28/2005	CLEARED BY OIPE CSR			
4	01/27/2005	371 COMPLETION DATE			
3	06/03/2005	APPLICATION DISPATCHED FROM OIPE			
2	06/06/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	01/27/2005	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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